

## APPENDIX Q TO CONSENT DECREE

### GE-HOUSATONIC RIVER EREs, CERs AND CONDITIONAL SOLUTION INSPECTION CRITERIA AND REQUIREMENTS

As set forth in Paragraphs 57.0, 58, and 38 of the Consent Decree lodged in U.S. District Court in September 1999 in United States et al. v. General Electric Company ("Consent Decree"), GE shall, on an annual basis (except as otherwise specified herein), conduct an inspection of any property that is not then owned by GE, the United States, or the Commonwealth of Massachusetts, and where a Grant of Environmental Restriction and Easement ("ERE") and/or a Grant of Conservation Easement and Restriction ("CER") has been recorded and/or registered or where a Conditional Solution (as defined in the Consent Decree) has been implemented. Any such inspection shall be conducted according to Paragraphs 57.0, 58, and 38 of the Consent Decree and the following requirements.

#### I. Checklist for an ERE Inspection

GE shall inspect each such property where an ERE has been recorded or registered to assess compliance with the ERE during the preceding twelve months. This inspection shall include a document review and a visual on-site inspection.

##### A. Document Review

Prior to conducting the visual on-site inspection, GE shall review documents pertinent to the ERE and the use of the property. Such documents shall include the following:

1. The ERE (including the Plan of Restricted Area, as revised); and
2. Any conditional exceptions approved under, amendments to, or releases from the ERE.

##### B. Visual On-Site Inspection

After reviewing the documents noted above in Subparagraph I.A, GE shall conduct a visual on-site inspection of the property to evaluate whether there is evidence that any of the following have occurred since the last inspection:

1. Activities at or uses of the property that are contrary to the restrictions in the ERE;
2. Utility work or any building demolition, modification, or addition;

3. Soil excavation that exceeds ten (10) cubic yards;
4. Significant soil erosion;
5. Significant pavement construction, disturbance or excavation;
6. If any of the conditions described in I.B.2 through 5 are noted, any reduction of the surface grade shall be compared to an as-built plan

The party conducting the inspection shall annotate all observations, including observation of any known or suspected instances of non-compliance, on an inspection checklist.

## **II. Checklist for a CER Inspection**

GE shall inspect each property that is not owned by GE, the United States, or the Commonwealth of Massachusetts, and where a CER has been recorded or registered, to assess compliance with the CER during the preceding twelve months; except that for the Off-Site Restoration Area described in Paragraph 118.e of the Consent Decree, this obligation to inspect the property will only last for five years, after which all responsibility for this property will be transferred to the Trustees or an entity designated by the Trustees. This inspection shall include a document review and a visual on-site inspection.

### **A. Document Review**

Prior to conducting the visual on-site inspection, GE shall review documents pertinent to the CER and the use of the property. Such documents shall include the following:

1. The CER (including the plan showing the Protected Area); and
2. Any amendments or releases approved under the CER.

### **B. Visual On-Site Inspection**

After reviewing the documents noted above in Subparagraph II.A, GE shall conduct a visual on-site inspection of the property to evaluate whether there is evidence that any activities have occurred on the property since the last inspection that are contrary to the prohibitions in the CER.

The party conducting the inspection shall annotate all observations, including observation of any known or suspected instances of non-compliance, on an inspection checklist.

### III. Checklist for Conditional Solution Inspections

GE shall inspect each property where a Conditional Solution has been implemented to determine whether there has been any change in activities or uses of the property since the date of the preceding inspection that would involve the activities or uses described in Section III.B. Such inspections shall be conducted on an annual basis unless the Performance Standards for residential use (as set forth in the Consent Decree) have been achieved at the property. These inspections shall include a document review and a visual on-site inspection.

#### A. Document Review

Prior to conducting the visual on-site inspection, GE shall review the work plan describing the Conditional Solution and any subsequent work plans approved and implemented pursuant to Paragraph 35 of the Consent Decree.

#### B. Visual On-Site Inspection

After reviewing the documents noted above in Subparagraph III.A, GE shall conduct a visual on-site inspection of the property to evaluate whether there is evidence that any of the following have occurred since the last inspection:

1. Any change in activities or uses of the property that would be inconsistent with the land use for which the Conditional Solution was implemented (e.g., from commercial/industrial to recreational or to residential, daycare or school (children under 18 years), or from recreational to residential, daycare, or school), and with any further response actions implemented thereafter in accordance with Paragraph 34.d of the Consent Decree (unless Performance Standards for residential use have been achieved).
2. Installation of a new utility or repair or replacement of an existing utility that involves disturbance of soil;
3. Any excavations, building, or other activities or conditions that might involve exposure to soil deeper than three (3) feet from the original grade; and
4. If any of the activities described in III.B.2 through 3 are noted, any reduction of the surface grade shall be compared to the work plan(s) describing the Conditional Solution.

The party conducting the inspection shall annotate all observations on an inspection checklist.